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RIGHTS OF THE CHILD

Written statement*/ submitted by Human Rights Watch,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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Violence Against Children

Throughout the world, in developing and industrialized countries alike, children are subject to unconscionable violence. On the streets, in schools, in institutions, the workplace, and elsewhere, life-threatening abuses are often perpetrated against children, often by the very individuals charged with their safety and well-being.

Children are easily victimized because they are young, often small, ignorant of their rights, and frequently do not have adults to whom they can turn for assistance. Particularly vulnerable are those children who are institutionalized, who are from ethnic minorities, or who live on the streets.

Since 1991, Human Rights Watch has published eighteen reports on violence against children by police and state authorities, covering fourteen countries on six continents. At virtually every stage of contact with the law, children may be subject to abuse. Street children are frequently beaten, tortured, sexually assaulted and even killed by police and security forces. They are frequently subject to extortion, and street girls are sometimes forced to provide sex in addition to money to avoid arrest or to be released from police custody. Children are frequently taken into custody with insufficient cause, and then subjected to brutal interrogations and torture, in order to solicit false confessions, information, or simply as a means of intimidation. Once placed in detention, children may be routinely abused physically, subjected to sexual assault, and placed in restraints or isolation for prolonged periods.

Orphanages are home to millions of orphaned and abandoned children around the world. Dependent on the state for care, many of these children are exposed instead to shocking and sometimes deadly levels of abuse and neglect. In 1998, we found that some children in Russian orphanages were restrained in cloth sacks, locked in freezing rooms for days at a time, sexually abused and beaten. Children have been tortured by shoving their heads in a toilet, and running electrical current through metal beds where they have been placed naked. An investigation of Chinese orphanages in 1995 found that children were tied to cribs, beds and chairs, and subjected to such malign neglect that mortality rates in some institutions exceeded 50%. Such institutions are often closed to outside scrutiny and children have no mechanism for reporting abuse.

Even in schools, many children find that violence is a regular part of their experience. Teachers sometimes use caning, slapping, and whipping to maintain classroom discipline and to punish children for poor academic performance. The infliction of corporal punishment is often routine, arbitrary, and brutal. In extreme cases, beatings by teachers have left children permanently disfigured, disabled, or dead. Some countries have taken steps to ban corporal punishment in the schools, but it remains a practice allowed by law in scores of others.

Girls in many countries endure sexual harassment and abuse in educational settings at the hands of teachers and other students. In South Africa, for example, a 1998 study by CIETafrica found that one in three Johannesburg girls experienced sexual violence at school; two-thirds of those subjected to sexual violence did not report the abuse to anyone.

Children who identify as or are perceived to be gay, lesbian, bisexual or transgendered may experience harassment and violence from other students, while school authorities fail to intervene.

In a welcome response to such violence, the Committee on the Rights of the Child agreed to focus two general days of discussion – in 2000 and in 2001 – to the issue of violence against children. Aspects of the issue being examined by the Committee include mistreatment, abuse and neglect of children in the care of the state, violence against children in the context of law and public order concerns, violence suffered by children in schools, and violence within the family.

Although violence against children is rampant, its full extent and impact is still unknown. For this reason, Human Rights Watch strongly endorses the recommendation from the Committee on the Rights of the Child (following its September 2000 general day of discussion on violence against children) that the Secretary-General be requested by the General Assembly to conduct an in-depth study on the issue of violence against children. The Committee noted that such a study should be as thorough and influential as the 1996 Machel Study on the Impact of Armed Conflict on Children.

Human Rights Watch urges the Commission on Human Rights to:

- Recommend that the General Assembly request the Secretary-General to undertake a major international study on violence against children. As recommended by the Committee on the Rights of the Child, such a study should, *inter alia*, explore the different types of violent treatment of which children are victims, identify their causes, the extent of such violence, and its impact on children, and put forward recommendations for action, including effective remedies and preventative and rehabilitative measures.

- Request special rapporteurs and working groups to systematically include violence against children in country and thematic reports.

- Request that the High Commissioner for Human Rights organize a special workshop for all relevant special rapporteurs to examine violence against children and ways in which special rapporteurs can more effectively incorporate this issue into their work.

- Urge all states to vigorously investigate violence against children by state authorities, take effective steps to protect children from such violence, and discipline appropriately those responsible.

The Use of Children as Soldiers:

Important steps were taken in the last year to stop the use of children as soldiers. The conclusion and adoption of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict established, for the first time, a sorely-needed

prohibition on conscription, forced recruitment or participation of children under the age of eighteen in armed conflict, while unfortunately failing to prohibit voluntary recruitment of sixteen and seventeen-year olds. The swift pace of signatures – now seventy-five – promises early entry into force for the new standard.

Despite the new standard, children continue to be used as soldiers in more than thirty countries, world-wide. Countries of particular concern include Colombia, the Democratic Republic of Congo (DRC), Sierra Leone, Sri Lanka, and Uganda. In Colombia, opposition guerilla and paramilitaries often linked to the armed forces maintained more than 5000 children in their ranks. In Sierra Leone, both the Revolutionary United Front (RUF) and pro-government forces continued to forcibly recruit children, including demobilized child soldiers.

In the DRC, child soldiers number over 12,000 by UNICEF's estimates. Although President Kabila has issued a demobilization decree, it is unclear how many children have been demobilized from his forces. Rebel groups fighting the Kabila government, meanwhile, continue to recruit and use child soldiers, often with the full support of foreign backers. Uganda in particular has trained and equipped children as part of the Liberation Movement for the Congo (MLC) and the Congolese Rally for Democracy-Liberation movement (RCD-ML). Many of these children have been trained in Uganda. The mainstream RCD, backed by Rwanda, also is actively recruiting large numbers of children for its forces.

In Sri Lanka, the Liberation Tigers of Tamil Eelam (LTTE) have reportedly forcibly recruited many children in a new recruitment drive, despite commitments made to the Special Representative of the Secretary-General for Children and Armed Conflict not to recruit children under the age of seventeen. In a December gun battle between LTTE and government forces, the majority of guerrilla fighters reportedly killed were children, mostly girls.

In northern Uganda, the Lord's Resistance Army (LRA) escalated attacks against civilians in the last year, including the forced abduction of children. Over the past fourteen years, UNICEF estimates that more than 12,000 children have been abducted by the LRA and frequently forced to commit atrocities against civilians and each other. Despite an October 2000 agreement between the governments of Uganda and Sudan intended to ensure the release and return of the abducted children, very few children have been returned to safety. Thousands are believed to remain in captivity.

Human Rights Watch urges the Commission on Human Rights to:

- Urge all states to sign and ratify without reservations the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict and to stipulate a minimum age of at least eighteen years for voluntary recruitment into the armed forces;

- Urge all states to ratify the Rome Statute for the International Criminal Court;

- Support the announced mission of the Office of the High Commissioner for Human Rights (OHCHR) to northern Uganda to investigate the abduction of children by the LRA, including its effective follow-up, and call upon the government of Sudan to facilitate a visit by the OHCHR to LRA camps in Southern Sudan.